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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

D'MONIEYA DESHAUN GREEN,

Defendant.

NO. 4:23-MJ-70031-MAG-1

STIPULATION AND ORDER
EXCLUDING TIME UNDER THE SPEEDY TRIAL
ACT AND WAIVING TIME UNDER RULE 5.1

1 On January 19, 2023, the United States filed a criminal complaint against Mr. Green charging
2 him with being a felon in possession of a firearm under 18 U.S.C. § 922(g)(1) and possession of heroin
3 with intent to distribute, in violation of 21 U.S.C. §§ (a)(1), (b)(1)(C). *United States v. Green*, Case No.
4 4:23-mj-70031-MAG-1. The United States plans to file an Information by the week of July 10, 2023.
5 Mr. Green also has pending Form 12 violations in 19-CR-0356 JSW and 20-CR-072-JSW which arise
6 from the same conduct charged in the above referenced complaint. Further hearings in those matters
7 have been continued to August 1, 2023. The United States intends to move to relate the new matter to
8 Judge White pursuant to Criminal Local Rule 8-1 before the next calling of the case.

9 For these reasons, the parties stipulate to exclude time under the Speedy Trial Act from June 27,
10 2023 to August 1, 2023, because the parties agree that the ends of justice served by the continuance
11 outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. §
12 3161(h)(7)(A). The parties also stipulate that the Court should grant the requested continuance and
13 exclude time under the Speedy Trial Act because a failure to grant a continuance would unreasonably
14 deny the defendant the reasonable time necessary for effective preparation, taking into account the
15 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

16 Moreover, with the consent of the defendant, and taking into account the public interest in the
17 prompt disposition of criminal cases, the parties agree there is good cause to extend the time limits for a
18 preliminary hearing under Federal Rule of Criminal Procedure 5.1 and to extend the 30-day time period
19 for an indictment under the Speedy Trial Act (based on the exclusion set forth above). *See* Fed. R. Crim.
20 P. 5.1; 18 U.S.C. § 3161(b).

21 Accordingly, the parties request that the Court enter the proposed order below extending the time
22 limits for the preliminary hearing under Rule 5.1 and the 30-day time for an indictment under the
23 Speedy Trial Act. The parties further request that the Court set this matter for a status hearing re
24 arraignment and preliminary hearing on August 1, 2023, at 10:30 a.m., as set forth in the proposed order
25 below.

26 IT IS SO STIPULATED
27
28

Respectfully submitted,

Dated: June 26, 2023

/s/
MIRANDA KANE
Attorney for D'MONEIYA DESHAUN GREEN

Dated: June 26, 2023

/s/
JONATHAN U. LEE
Assistant United States Attorney
Attorney for the UNITED STATES OF AMERICA

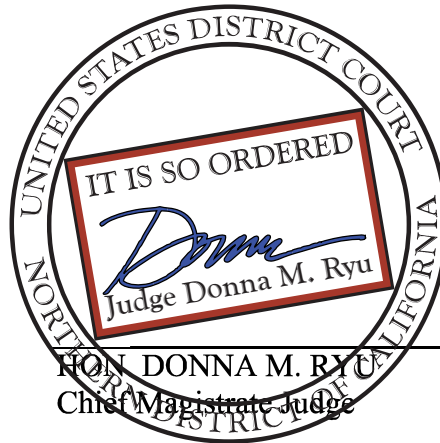
ORDER

For the reasons set forth above, the Court excludes time under the Speedy Trial Act from June 27, 2023 to August 1, 2023, and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The court makes this finding and bases this continuance on the ground that failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

In addition, with the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, the court sets the preliminary hearing to the date set forth above, August 1, 2023, and — based on the parties' showing of good cause — finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusion set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

IT IS SO ORDERED.

DATED: June 26, 2023



HON. DONNA M. RYU
Chief Magistrate Judge